REMARKS/ARGUMENTS

Claims 1-19, 21-24, 91 and 92 are pending in the present application. Claims 1-19, 21-24, 91 and 92 have been rejected. Claim 1 has been amended for clarification. No new matter has been added. Accordingly, claims 1-19, 21-24, 91 and 92 are now pending in the present application.

In a previous Amendment, Applicant has cancelled claims 25-90 from further consideration in this application. Applicant is <u>not</u> conceding that the subject matter encompassed by claims 25-90 is not patentable. Claims 25-90 were cancelled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed by claims 25-90, as presented prior to this Amendment in one or more continuing applications.

Claim Rejections - 35 USC § 103

The standard for making an obviousness rejection is currently set forth in MPEP 706.02(j):

> To establish a *prima facie* case of obviousness, *three basic criteria must be met*. **First**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. **Second**, there must be a reasonable expectation of success. **Finally**, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The *teaching or suggestion* to make the claimed combination **and** the *reasonable expectation of success* must *both be found in the prior art,* **and** not *based on applicant's disclosure.* (emphasis and formatting added) MPEP § 2143, *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

> The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a *convincing line of reasoning* as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). (emphasis added).

See also, KSR International Co. v. Teleflex Inc., No. 04-1350, 550 U.S. ___ (2007).

As noted above, the PTO has the burden of establishing a prima facie case of obviousness under 35 USC §103. The Patent Office must show that some reason to combine the elements with some rational underpinning that would lead an individual of ordinary skill in the art to combine the relevant teachings of the references. *KSR International Co. v. Teleflex Inc.*, No. 04-1350, 550 U.S. ___ (2007); *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988). Therefore, a combination of relevant teachings alone is insufficient grounds to establish obviousness, absent some reason for one of ordinary skill in the art to do so. *Fine* at 1075. In this case, the Examiner has not pointed to any cogent, supportable reason that would lead an artisan of ordinary skill in the art to come up with the claimed invention.

Moreover, as is further discussed below, none of the references, alone or in combination, teaches the unique features called for in the claims. It is impermissible hindsight reasoning to pick a feature here and there from among the references to construct a hypothetical combination which obviates the claims.

> It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps. [*citation omitted*]
>
> *In re Gordon*, 18 USPQ.2d 1885, 1888 (Fed. Cir. 1991).

A large number of devices may exist in the prior art where, if the prior art be disregarded as to its content, purpose, mode of operation and general context, the several elements claimed by the applicant, if taken individually, may be disclosed. However, the important thing to recognize is that the reason for combining these elements in any way to meet Applicants' claims only becomes obvious, if at all, when considered from hindsight in the light of the application disclosure. The Federal Circuit has stressed that the "decisionmaker must step backward in time and into the shoes worn by a person having ordinary skill in the art when the invention was unknown and just before it was made." *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1566 (Fed. Cir. 1987). To do otherwise would be to apply hindsight reconstruction, which has been strongly discouraged by the Federal Circuit. *Id.* at 1568.

> To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that

knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.

> *W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed. Cir. 1983).

Therefore, without some reason in the references to combine the cited prior art teachings, with some rational underpinnings for such a reason, the Examiner's conclusory statements in support of the alleged combination fail to establish a prima facie case for obviousness. *See, KSR International Co. v. Teleflex Inc.*, No. 04-1350, 550 U.S. ___ (2007) (obviousness determination requires looking at "whether there was an apparent reason to combine the known elements in the fashion claimed...", *citing In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness," KSR at 14).

a.   **Claims 1, 3-5, 10-12, 14-17, 22-24 and 91-92 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Drexter* (U.S. 2002/0046248 A1) in view of *Meier* et al. (U.S. 6,058,393).**

The Applicant respectfully traverses the rejection of independent claim 1 as being unpatentable over *Drexter* (U.S. 2002/0046248 A1) in view of *Meier* et al. (U.S. 6,058,393) as emphasized by the recited claim elements set forth below:

> Independent **Claim 1** recites A method for converting messaging data into a relation table format in a database system, the messaging data being within a messaging system, the method comprising the steps of:
> (a)   providing a plurality of table formatting specifications *wherein the plurality of table formatting specifications comprises at least a table function type, a table function name, a location of a messaging system queue, a messaging data format, a column name and data type, an option of creating a table view and an option of saving specifications for future use*;
> (b)   utilizing the plurality of table formatting specifications to automatically build and store a table function in the database system; and
> (c)   invoking the table function from within the database system through a single database language statement, the table function

(c1)   invoking at least one messaging function within the database system to access the messaging data;

(c2)   converting the messaging data into relational table format according to the plurality of table formatting specifications, and

(c3)   directly populating a relational table within the database system with the converted messaging data. (Emphasis added.)

Drexter discloses a system that facilitates the transfer of data from an email message or the like to records, tables, and/or fields of an electronic database. In an illustrative embodiment, an email message and a number of database fields are identified. Certain data from the email message are associated with one or more of records, tables, and/or fields of the database. With this association, the data in the email message may be automatically or manually parsed and saved to the associated records, tables, and/or fields of the database.   However, as admitted by the Examiner, *Drexter* does not distinctly disclose storing a table function in the database system and invoking the table function from within the database through a single database language statement. Consequently, the *Drexter* reference does not teach every element of the recited independent claim 1.

The Examiner proposes to combine the *Drexter* reference with the *Meier* reference to cure *Drexter's* above-delineated defect. *Meier* discloses a dynamic connection for distributed applications that need to locate application development tools, including but not limited to debuggers, trace collection tools, compilers, etc.) which may be running on different machines, and to send the tools messages. The program requesting debugging service (i.e., a debugger client) sends, to a tool locator, criteria which specifies the properties of a desired debugger. The tool locator maintains a registry of all tools, e.g. debuggers, and their properties, which remain active within the network by receiving tool registration information from each tool as it is started on any machine within the network. When a message is received by the tool locator from a debugger client specifying the criteria of a desired debugger, the tool locator searches its registry and returns a list of debuggers matching the specified properties along with a communication endpoint address that can be used to establish a connection with a debugger meeting the criteria. The debugger client then sends a message, using the established connection, to the desired debugger requesting debugging services on behalf of the debugger client or another program.

As previously stated, the Examiner proposes to combine the *Drexter* reference with the *Meier* reference to cure *Drexter's* above-delineated defect. However, claim 1 has been amended to recite "…wherein the plurality of table formatting specifications comprises at least a table function type, a table function name, a location of a messaging system queue, a messaging data format, a column name and data type, an option of creating a table view and an option of saving specifications for future use…". Without making any concessions to the Examiner's argument related to what *Meier* discloses, Applicant herein asserts that *Meier* does not disclose the newly added limitation of "…wherein the plurality of table formatting specifications comprises at least a table function type, a table function name, a location of a messaging system queue, a messaging data format, a column name and data type, an option of creating a table view and an option of saving specifications for future use…" in conjunction with recited elements of independent claim 1.

Consequently, since *Meier* does not disclose the limitation "…wherein the plurality of table formatting specifications comprises at least a table function type, a table function name, a location of a messaging system queue, a messaging data format, a column name and data type, an option of creating a table view and an option of saving specifications for future use…" in conjunction with the recited elements of claim 1, the Examiner's proposed combination of references do not disclose <u>all</u> claim limitations. Accordingly the rejection of independent claim 1 as being unpatentable over *Drexter* (U.S. 2002/0046248 A1) in view of *Meier* et al. (U.S. 6,058,393) under 35 U.S.C. §103(a) should be withdrawn.

Claims 3-5, 10-12, 14-17, 22-24 and 91-92 depend from independent claim 1 and inherit all of it's limitations. Therefore, claims 3-5, 10-12, 14-17, 22-24 and 91-92 are also patentably distinct in light of *Drexter* (U.S. 2002/0046248 A1) in view of *Meier* et al. (U.S. 6,058,393) and the rejections of claims 3-5, 10-12, 14-17, 22-24 and 91-92 under 35 U.S.C. §103(a) ought to now be withdrawn.

b. **Claims 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Drexter* (U.S. 2002/0046248 A1) in view of *Meier* et al. (U.S. 6,058,393) as applied to claims 1-5, 10-12, 14-17 and 22-24 above and in further view of *Demers* et al. (US 5,870,761).**

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Claims 6-9 depend from independent claim 1 and inherit all of it's limitations. As discussed above, the independent parent claim has not been rendered unpatentable by the Examiner's proposed combination of reference since they fail to provide, among other things, the limitation "…wherein the plurality of table formatting specifications comprises at least a table function type, a table function name, a location of a messaging system queue, a messaging data format, a column name and data type, an option of creating a table view and an option of saving specifications for future use…".

Insofar as the *Demers* reference does not overcome the shortcomings of the Examiner's proposed combination of references, claims 6-9 are also patentably distinct in light of *Drexter* (U.S. 2002/0046248 A1) in view of *Meier* et al. (U.S. 6,058,393) as applied to claims 1-5, 10-12, 14-17 and 22-24 above and in further view of *Demers* et al. (US 5,870,761) and the rejection of claims 6-9 under 35 U.S.C. §103(a) ought to now be withdrawn.

c.   Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Drexter* (U.S. 2002/0046248 A1) in view of *Meier* et al. (U.S. 6,058,393) as applied to claims 1-5, 10-12, 14-17, 22-24, 26-31, 36-38, 40-43, 48-50, 52-58, 64-65 and 67-90 above and in further view of *Huth* et al. (US 6,704,742).

Claim 13 depends from independent claim 1 and inherit all of it's limitations. As discussed above, the independent parent claim has not been rendered unpatentable by the Examiner's proposed combination of reference since they fail to provide, among other things, the limitation "…wherein the plurality of table formatting specifications comprises at least a table function type, a table function name, a location of a messaging system queue, a messaging data format, a column name and data type, an option of creating a table view and an option of saving specifications for future use…".

Insofar as the *Huth* reference does not overcome the shortcomings of the Examiner's proposed combination of references, claim 13 is also patentably distinct in light of *Drexter* (U.S. 2002/0046248 A1) in view of *Meier* et al. (U.S. 6,058,393) as applied to claims 1-5, 10-12, 14-

17, 22-24, 26-31, 36-38, 40-43, 48-50, 52-58, 64-65 and 67-90 above and in further view of *Huth* et al. (US 6,704,742) and the rejection of claim 13 under 35 U.S.C. §103(a) ought to now be withdrawn.

d.   Claims 18, 19 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Drexter* (U.S. 2002/0046248 A1) in view of *Meier* et al. (U.S. 6,058,393) as applied to claims 1-5, 10-12, 14-17, 22-24, 26-31, 36-38, 40-43, 48-50, 52-58, 64-65 and 67-90 above and in further view of *Poskanzer* (US 6,658,426).

Claims 18, 19 and 21 depend from independent claim 1 and inherit all of it's limitations. As discussed above, the independent parent claim has not been rendered unpatentable by the Examiner's proposed combination of reference since they fail to provide, among other things, the limitation "…wherein the plurality of table formatting specifications comprises at least a table function type, a table function name, a location of a messaging system queue, a messaging data format, a column name and data type, an option of creating a table view and an option of saving specifications for future use…".

Insofar as the *Paskanzer* reference does not overcome the shortcomings of the Examiner's proposed combination of references, claims 18, 19 and 21 are also patentably distinct in light of *Drexter* (U.S. 2002/0046248 A1) in view of *Meier* et al. (U.S. 6,058,393) as applied to claims 1-5, 10-12, 14-17, 22-24, 26-31, 36-38, 40-43, 48-50, 52-58, 64-65 and 67-90 above and in further view of *Poskanzer* (6,658,426) and the rejection of claim claims 18, 19 and 21 under 35 U.S.C. §103(a) ought to now be withdrawn.

CONCLUSION

Applicants' attorney believes this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

It is believed that all of the pending Claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending Claims (or other Claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any Claim, except as specifically stated in this paper, and the amendment of any Claim does not necessarily signify concession of unpatentability of the Claim prior to its amendment.

                                        Respectfully submitted,

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